

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

**SEVENTH DAY'S PROCEEDINGS**

**Thirty-Second Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 5, 2006

The Senate was called to order at 3:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Ellington	Michot
Adley	Fields	Mount
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero
Broome	Hollis	Schedler
Cain	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Dupre	McPherson	
Total - 37		

**ABSENT**

Chaisson	Lentini
Total - 2	

The President of the Senate announced there were 37 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator Barham, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Barham, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Petitions, Memorials and  
Communications**

The following petitions, memorials and communications were received and read:

**MEMORANDUM**

**To:** Senator Hines  
**From:** Arthur J. "Art" Lentini  
**Date:** April 5, 2006  
**Subject:** Request for Leave

I have been appointed by the Chief Justice of the Louisiana Supreme Court to the Task Force to Review Judgeships. The meeting of the task force will be at 3:00 p.m. this afternoon, April 5, 2006, in Lafayette. I will be attending the meeting of the Senate Insurance Committee this morning at 10:00 a.m. however, I am requesting to be absent from the Senate floor activities which convene at 3:00 p.m. I will be in attendance tomorrow, April 6, 2006.

Thanking you in advance for your consideration and courtesies.

Sincerely,  
ARTHUR J. "ART" LENTINI

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 14—**  
BY SENATOR HINES

A RESOLUTION

To commend Louisiana's Electric Cooperatives for their continued support of the annual Washington D.C. Youth Tour program and designates April 6, 2006, as Louisiana's Electric Cooperatives Washington D.C. Youth Tour Day.

On motion of Senator Hines, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 21—**  
BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University men's basketball team and coaching staff on an outstanding season and for reaching the 2006 National Collegiate Athletic Association (NCAA) Final Four in Indianapolis, Indiana.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Hollis	Smith
Cheek	Jackson	Theunissen
Cravins	Jones	Ullo
Dardenne	Kostelka	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Chaisson	McPherson	Shepherd
Heitmeier	Nevers	
Lentini	Quinn	
Total - 7		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 22—**  
BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University

April 5, 2006

women's basketball team and coaching staff on an outstanding season and for reaching the 2006 National Collegiate Athletic Association (NCAA) Final Four in Boston, Massachusetts.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Duplessis, Malone, Adley, Dupre, Marionneaux, Amedee, Ellington, Michot, Bajoie, Fields, Mount, Barham, Fontenot, Murray, Boasso, Gautreaux B, Romero, Broome, Gautreaux N, Schedler, Cain, Hollis, Smith, Cheek, Jackson, Theunissen, Cravins, Jones, Ullo, Dardenne, Kostelka.

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Chaisson, McPherson, Shepherd, Heitmeier, Nevers, Lentini, Quinn.

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Senate Concurrent Resolutions on Second Reading

The following Senate Concurrent Resolutions were read and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 20— BY SENATOR SCHEDLER A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Environmental Quality and the House Committee on the Environment to meet and function as a joint committee to study and make recommendations regarding recycling and disposal options relative to computers and other electronic equipment.

The resolution was read by title. Senator Schedler moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Duplessis, Marionneaux, Adley, Dupre, McPherson, Amedee, Ellington, Michot, Bajoie, Fields, Mount, Barham, Fontenot, Murray, Boasso, Gautreaux B, Romero, Broome, Gautreaux N, Schedler, Cain, Hollis, Shepherd, Cheek, Jones, Smith, Cravins, Kostelka, Theunissen, Dardenne, Malone, Ullo.

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Chaisson, Jackson, Nevers, Heitmeier, Lentini, Quinn.

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 4, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 22— BY REPRESENTATIVE THOMPSON AN ACT

To enact R.S. 13:783(F)(6), relative to the office of the clerk of court in Richland Parish; to require the payment of premium costs for certain life and group medical insurance for retired personnel; to require years of service; to provide for limitations; and to provide for related matters.

HOUSE BILL NO. 122— BY REPRESENTATIVE TOWNSEND AN ACT

To enact R.S. 14:93.15 and R.S. 26:90(A)(16) and 286(A)(16), relative to alcoholic beverage vaporizers; to provide for the crime of selling, delivering, giving away, purchasing, possessing, or using an alcoholic beverage vaporizer; to provide for penalties; to prohibit the sale, delivery, or give away of alcohol dispensed by means of an alcoholic beverage vaporizer on licensed premises; to prohibit the purchase, possession, or use of an alcoholic beverage vaporizer machine on licensed premises; to prohibit allowing a customer or other person to keep or use an alcoholic beverage vaporizer on licensed premises; and to provide for related matters.

HOUSE BILL NO. 564— BY REPRESENTATIVE FAUCHEUX AN ACT

To amend and reenact R.S.13:2582(A) and 2583(A) and to repeal R.S. 13:2583(D), relative to qualifications for the offices of justice of the peace and constable; to provide for qualifications of office; to repeal provisions that provide that a constable shall not remain in office beyond his seventy-fifth birthday and exceptions for certain constables in office on August 15, 1995; and to provide for related matters.

HOUSE BILL NO. 1034— BY REPRESENTATIVE FRITH AN ACT

To enact R.S. 3:556.14, relative to an assessment on crawfish tail meat; to provide for a referendum of producers; to provide for payment and collection of the assessment; to provide for distribution of the proceeds; to provide for penalties; and to provide for related matters.

**HOUSE BILL NO. 1117—**

BY REPRESENTATIVES ST. GERMAIN, HEBERT, AND FRITH  
AN ACT

To enact Chapter 31 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4701 through 4705, relative to the Cajun Goods and Services Consumer Protection Law; to establish the term "cajun" as a certification mark; to provide relative to enforcement; and to provide for related matters.

**HOUSE BILL NO. 1128—**

BY REPRESENTATIVE STRAIN  
AN ACT

To amend and reenact R.S. 47:301(16)(f), relative to the registration of pharmaceuticals with the Department of Agriculture and Forestry; to prohibit certain pharmaceuticals and vaccines from being classified or registered as pesticides; to provide relative to sales tax exempt pharmaceuticals; and to provide for related matters.

**HOUSE BILL NO. 151—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(b), relative to the Department of Economic Development; to provide for re-creation of the Department of Economic Development and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

**HOUSE BILL NO. 237—**

BY REPRESENTATIVE BRUCE  
AN ACT

To amend and reenact R.S. 47:302.39(B), relative to state funds; to provide for the use of monies appropriated from the DeSoto Parish Visitor Enterprise Fund; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 247—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(n), relative to the Louisiana Economic Development Council and certain other agencies within the office of the governor, including provisions to provide for the re-creation of the council and such agencies; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

**HOUSE BILL NO. 262—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 12:24(A), 25(A)(1), 104(C)(2) and (3), 163(E)(1)(c), 203(A), 236(C)(2), 262.1(E)(1), 304(B), 308(A)(1) and (B)(3), 1305(A) and (E), 1308(C)(1), 1308.2(C)(1)(a), 1345(B) and (C), and 1350(B)(1)(c), relative to filing requirements for certain business organizations; to delete requirements for acknowledgments, authentic acts, or other documentation requiring a notary public; and to provide for related matters.

**HOUSE BILL NO. 287—**

BY REPRESENTATIVE WALKER  
AN ACT

To amend and reenact R.S. 13:3881(A)(2) and to enact R.S. 13:3881(A)(7), relative to exemptions from seizure; to provide for the exemption from seizure of certain motor vehicles; and to provide for related matters.

**HOUSE BILL NO. 296—**

BY REPRESENTATIVE CAZAYOUX AND SENATOR MARIONNEAUX  
AN ACT

To amend and reenact R.S. 47:302.28(B) and to repeal R.S. 47:302.28(C), relative to the Pointe Coupee Parish Visitor Enterprise Fund; to provide for uses of monies in the fund; and to provide for related matters.

**HOUSE BILL NO. 339—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 13:3667.1(A), 3667.3, and 4163(A)(1)(a) and (B) and to enact Code of Civil Procedure Article 1469(5) and Code of Criminal Procedure Article 740, relative to the attendance and testimony of legislators and legislative personnel in certain court proceedings; to provide with respect to the issuance of orders compelling discovery; to provide with respect to the compulsory appearance and testimony of legislators and personnel during legislative sessions; to provide with respect to the issuance of subpoenas directing the testimony of matters of legislative speech and debate; and to provide for related matters.

**HOUSE BILL NO. 417—**

BY REPRESENTATIVES ALARIO AND SALTER  
AN ACT

To amend and reenact R.S. 38:2212.2, relative to the demolition of state buildings; to provide for expedited demolition of damaged state buildings in emergency situations; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 432—**

BY REPRESENTATIVES ALARIO AND SALTER  
AN ACT

To amend and reenact R.S. 39:1644(B) and to enact R.S. 39:1644(E), relative to the amendment of leases for office or warehouse space; to increase the size of the space under lease eligible for amendment; to authorize modifications to monthly lease payments; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 907—**

BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 17:3803(B)(1) and (2) and (E), R.S. 39:98.2(A) and (D), and R.S. 49:327(B)(1) and (2), relative to the investment authority of the state treasurer; to provide for the investment and management of offshore revenues; to provide for the investment and management of monies in the Millennium Trust; to provide for the investment and management of the state general fund and other funds under the control of the state treasurer; and to provide for related matters.

**HOUSE BILL NO. 594—**

BY REPRESENTATIVES GREENE AND ANSARDI  
AN ACT

To amend and reenact Civil Code Article 466, relative to component parts of immovable property; to provide relative to buildings and other constructions; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

### House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 22—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To enact R.S. 13:783(F)(6), relative to the office of the clerk of court in Richland Parish; to require the payment of premium costs for certain life and group medical insurance for retired personnel; to require years of service; to provide for limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

April 5, 2006

**HOUSE BILL NO. 122—**  
BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 14:93.15 and R.S. 26:90(A)(16) and 286(A)(16), relative to alcoholic beverage vaporizers; to provide for the crime of selling, delivering, giving away, purchasing, possessing, or using an alcoholic beverage vaporizer; to provide for penalties; to prohibit the sale, delivery, or give away of alcohol dispensed by means of an alcoholic beverage vaporizer on licensed premises; to prohibit the purchase, possession, or use of an alcoholic beverage vaporizer machine on licensed premises; to prohibit allowing a customer or other person to keep or use an alcoholic beverage vaporizer on licensed premises; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 151—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(b), relative to the Department of Economic Development; to provide for re-creation of the Department of Economic Development and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 237—**  
BY REPRESENTATIVE BRUCE  
AN ACT

To amend and reenact R.S. 47:302.39(B), relative to state funds; to provide for the use of monies appropriated from the DeSoto Parish Visitor Enterprise Fund; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 247—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(n), relative to the Louisiana Economic Development Council and certain other agencies within the office of the governor, including provisions to provide for the re-creation of the council and such agencies; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 262—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 12:24(A), 25(A)(1), 104(C)(2) and (3), 163(E)(1)(c), 203(A), 236(C)(2), 262.1(E)(1), 304(B), 308(A)(1) and (B)(3), 1305(A) and (E), 1308(C)(1), 1308.2(C)(1)(a), 1345(B) and (C), and 1350(B)(1)(c), relative to filing requirements for certain business organizations; to delete requirements for acknowledgments, authentic acts, or other documentation requiring a notary public; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 287—**  
BY REPRESENTATIVE WALKER  
AN ACT

To amend and reenact R.S. 13:3881(A)(2) and to enact R.S. 13:3881(A)(7), relative to exemptions from seizure; to provide for the exemption from seizure of certain motor vehicles; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 296—**  
BY REPRESENTATIVE CAZAYOUX AND SENATOR MARIONNEAUX  
AN ACT

To amend and reenact R.S. 47:302.28(B) and to repeal R.S. 47:302.28(C), relative to the Pointe Coupee Parish Visitor Enterprise Fund; to provide for uses of monies in the fund; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 339—**  
BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 13:3667.1(A), 3667.3, and 4163(A)(1)(a) and (B) and to enact Code of Civil Procedure Article 1469(5) and Code of Criminal Procedure Article 740, relative to the attendance and testimony of legislators and legislative personnel in certain court proceedings; to provide with respect to the issuance of orders compelling discovery; to provide with respect to the compulsory appearance and testimony of legislators and personnel during legislative sessions; to provide with respect to the issuance of subpoenas directing the testimony of matters of legislative speech and debate; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 417—**  
BY REPRESENTATIVES ALARIO AND SALTER  
AN ACT

To amend and reenact R.S. 38:2212.2, relative to the demolition of state buildings; to provide for expedited demolition of damaged state buildings in emergency situations; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 432—**  
BY REPRESENTATIVES ALARIO AND SALTER  
AN ACT

To amend and reenact R.S. 39:1644(B) and to enact R.S. 39:1644(E), relative to the amendment of leases for office or warehouse space; to increase the size of the space under lease eligible for amendment; to authorize modifications to monthly lease payments; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 564—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S.13:2582(A) and 2583(A) and to repeal R.S. 13:2583(D), relative to qualifications for the offices of justice of the peace and constable; to provide for qualifications of office; to repeal provisions that provide that a constable shall not remain in office beyond his seventy-fifth birthday and exceptions for certain constables in office on August 15, 1995; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 594—**  
BY REPRESENTATIVES GREENE AND ANSARDI  
AN ACT

To amend and reenact Civil Code Article 466, relative to component parts of immovable property; to provide relative to buildings and other constructions; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 907—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 17:3803(B)(1) and (2) and (E), R.S. 39:98.2(A) and (D), and R.S. 49:327(B)(1) and (2), relative to the investment authority of the state treasurer; to provide for the

investment and management of offshore revenues; to provide for the investment and management of monies in the Millennium Trust; to provide for the investment and management of the state general fund and other funds under the control of the state treasurer; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1034—**  
BY REPRESENTATIVE FRITH  
AN ACT

To enact R.S. 3:556.14, relative to an assessment on crawfish tail meat; to provide for a referendum of producers; to provide for payment and collection of the assessment; to provide for distribution of the proceeds; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1117—**  
BY REPRESENTATIVES ST. GERMAIN, HEBERT, AND FRITH  
AN ACT

To enact Chapter 31 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4701 through 4705, relative to the Cajun Goods and Services Consumer Protection Law; to establish the term "cajun" as a certification mark; to provide relative to enforcement; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1128—**  
BY REPRESENTATIVE STRAIN  
AN ACT

To amend and reenact R.S. 47:301(16)(f), relative to the registration of pharmaceuticals with the Department of Agriculture and Forestry; to prohibit certain pharmaceuticals and vaccines from being classified or registered as pesticides; to provide relative to sales tax exempt pharmaceuticals; and to provide for related matters.

The bill was read by title; lies over under the rules.

**House Bills and Joint Resolutions  
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 86—**  
BY REPRESENTATIVE KENNEY AND SENATOR ELLINGTON  
AN ACT

To enact R.S. 33:451, relative to mayors' courts; to establish a mayor's court in the town of Clarks, Caldwell Parish; to provide for the territorial jurisdiction of the court; to grant the mayor power, authority, and jurisdiction; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 212—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 16:65, relative to judicial enforcement districts; to provide for a district attorney in a federally declared disaster district to borrow money to finance the daily operations of his office; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 533—**  
BY REPRESENTATIVE RITCHIE AND SENATOR NEVERS  
AN ACT

To authorize the secretary of the Department of Public Safety and Corrections to rename the correctional facility located at Angie, Louisiana, as the Rayburn Correctional Center; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 611—**  
BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:35, relative to simple battery; to increase the amount of the fine for the offense of simple battery; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 612—**  
BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:67(B)(3), relative to theft; to increase the fine for theft when the value of the thing taken is less than three hundred dollars; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 613—**  
BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:69(B)(3), relative to illegal possession of stolen things; to increase the fine when the amount of the stolen things is less than three hundred dollars; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 614—**  
BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:56(B), relative to simple criminal damage to property; to increase the fine for the crime of simple criminal damage to property when the value of the property damaged is less than five hundred dollars; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 635—**  
BY REPRESENTATIVE BURNS  
AN ACT

To amend and reenact Code of Criminal Procedure Article 905.4(A)(1), relative to sentencing in capital cases; to add certain crimes to the enumeration of aggravating circumstances; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 713—**  
BY REPRESENTATIVE GALLOT  
AN ACT

To amend and reenact R.S. 13:1904(C) and (D), relative to the destruction of certain records in the City Court of Ruston; to authorize the clerk of court to destroy certain civil and criminal records; to provide for time limitations in the destruction of records; to provide for requirements prior to destruction; and to provide for related matters.

April 5, 2006

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 865— BY REPRESENTATIVE MARTINY AN ACT

To amend and reenact R.S. 14:64.3, relative to commission of the crimes of armed robbery or attempted armed robbery when the dangerous weapon used is a firearm; to provide relative to additional penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1035— BY REPRESENTATIVES FRITH AND ST. GERMAIN AN ACT

To amend and reenact R.S. 3:556.12(C), relative to the Louisiana Crawfish Promotion and Research Board; to remove certain restrictions on use of funds by the board; to provide that funds can be used for certain purposes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

HOUSE BILL NO. 1120— BY REPRESENTATIVE ST. GERMAIN AN ACT

To amend and reenact R.S. 40:1375(B) and (F)(1), relative to state police training facilities; to provide for fees charged for participation in the training school and courses and for the use of the training facility by local government to train their police officers; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 5, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 71— BY REPRESENTATIVE MCVEA A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the practicality and feasibility of incorporating the new Mississippi River Bridge, which is included in the Transportation Infrastructure Model for Economic Development (TIMED) Program, as a component in a northern Baton Rouge loop and to include in its study options for possible routes and the possibility of implementing tolls along portions of the loop in order to finance its construction.

HOUSE CONCURRENT RESOLUTION NO. 73— BY REPRESENTATIVE HAMMETT A CONCURRENT RESOLUTION

To commend, recognize, and support the many Hunters for the Hungry and Project Venison programs across the state for their efforts to feed the state's needy.

HOUSE CONCURRENT RESOLUTION NO. 75— BY REPRESENTATIVE K. CARTER A CONCURRENT RESOLUTION

To declare the week of May 1, 2006, through May 7, 2006, to be Cover the Uninsured Week in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 76— BY REPRESENTATIVE CAZAYOUX A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the practicality and feasibility of incorporating the new Mississippi River Bridge, which is included in the Transportation Infrastructure Model for Economic Development (TIMED) Program, and which, when complete will connect New Roads and St. Francisville as a component in a northern Baton Rouge loop and to include in its study the possibility of implementing tolls along portions of the loop in order to finance its construction.

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 71— BY REPRESENTATIVE MCVEA A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the practicality and feasibility of incorporating the new Mississippi River Bridge, which is included in the Transportation Infrastructure Model for Economic Development (TIMED) Program, as a component in a northern Baton Rouge loop and to include in its study options for possible routes and the possibility of implementing tolls along portions of the loop in order to finance its construction.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 73— BY REPRESENTATIVE HAMMETT A CONCURRENT RESOLUTION

To commend, recognize, and support the many Hunters for the Hungry and Project Venison programs across the state for their efforts to feed the state's needy.

The resolution was read by title. Senator Ellington moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Position, and Vote. Includes Mr. President, Dupre, Ellington, McPherson, Adley, Ellington, Michot, Amedee, Fields, Mount, Bajoie, Fontenot, Murray, Barham, Gautreaux B, Quinn, Boasso, Gautreaux N, Romero, Broome, Hollis, Schedler, Cain, Jackson, Shepherd, Cheek, Jones, Smith, Cravins, Kostelka, Theunissen, Dardenne, Malone, Ullo, Duplessis, Marionneaux, Total - 35

NAYS

Total - 0

ABSENT

Chaisson	Lentini
Heitmeier	Nevers
Total - 4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 75—**  
BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

To declare the week of May 1, 2006, through May 7, 2006, to be Cover the Uninsured Week in Louisiana.

The resolution was read by title. Senator Bajoie moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Quinn
Boasso	Gautreaux N	Romero
Broome	Hollis	Schedler
Cain	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Total - 35		

NAYS

Total - 0

ABSENT

Chaisson	Lentini
Heitmeier	Nevers
Total - 4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 76—**  
BY REPRESENTATIVE CAZAYOUX

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the practicality and feasibility of incorporating the new Mississippi River Bridge, which is included in the Transportation Infrastructure Model for Economic Development (TIMED) Program, and which, when complete will connect New Roads and St. Francisville as a component in a northern Baton Rouge loop and to include in its study the possibility of implementing tolls along portions of the loop in order to finance its construction.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

**House Concurrent Resolutions  
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 67—**  
BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To request the Department of Transportation and Development to construct an overpass at the intersection of U.S. Highway 90 and Louisiana Highway 318 and to present to the St. Mary Parish council a progress report on Interstate 49 South in St. Mary Parish.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 70—**  
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources to deny requests for the issuance of drilling permits in Iberia and Vermilion parishes.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**COMMERCE, CONSUMER PROTECTION  
AND INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection, and International Affairs, submitted the following report:

April 5, 2006

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection, and International Affairs to submit the following report:

**SENATE BILL NO. 155—**  
BY SENATOR MARIONNEAUX  
AN ACT

To enact Chapter 27-D of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.61 through 9039.66, relative to the creation of the Louisiana Capital Area Economic Development ("LACAEDA") Film Commission; to create the Louisiana Capital Area Economic Development ("LACAEDA") Film Commission; to provide for the purposes, powers, duties, functions, and responsibilities of the commission; to appoint a film commissioner/executive director; to provide relative to employees, funding, and cooperation with state agencies; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 244—**  
BY SENATOR MICHOT  
AN ACT

To enact Chapter 29-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1971 through 1978; to enact the Computer Spyware Protection Act; to provide prohibited acts; to provide for enforcement; to provide penalties; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 373—**  
BY SENATOR HOLLIS  
AN ACT

To enact R.S. 6:121.1(D), relative to the office of financial institutions; to provide for the enforcement powers of the

April 5, 2006

commissioner of the office of financial institutions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 549—**  
BY SENATOR MICHOT

AN ACT

To enact R.S. 51:710.2, relative to securities; to provide for certain public records; to provide for confidentiality of certain records; to provide for disclosure of certain confidential records; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 559—**  
BY SENATOR DARDENNE AND REPRESENTATIVE PINAC

AN ACT

To enact R.S. 34:1122(B)(3), relative to expenses of the Pilotage Fee Commission; to clarify that fees and rates for pilotage services may include expenses of the Pilotage Fee Commission; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 626—**  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:1088(C)(1)(a), (F)(4) and (G), and 1090(B)(1) and to enact R.S. 6:1090(H), 1092(A)(16) and (17) and (K), 1092.1, 1092.2, 1094(H), 1096(E)(3) and (G)(3), relative to loans; to provide for the Residential Mortgage Lending Act; to provide for requirements for licensure; to provide for the powers and duties of the commissioner; to provide time limits regarding reapplication for licensure; to provide restrictions on employment; to provide for the suspension, revocation, or denial of licensure; to provide for appellate rights; to prohibit the assessment of certain charges; to prohibit the financing of certain charges; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**REPORT OF COMMITTEE ON  
HEALTH AND WELFARE**

Senator McPherson, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 5, 2006

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

**SENATE BILL NO. 134—**  
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:2120.33(13), (14)(c), and (16), relative to brain injury facilities; to redefine certain terms; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 135—**  
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:2212(C)(1), relative to basic benefit plans provided under a health care cost control program; to

prohibit the basic benefit plan from excluding direct reimbursement to advanced practice registered nurses under certain circumstances; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 139—**  
BY SENATOR HINES

AN ACT

To enact R.S. 37:2504 (D) and (E), relative to the Board of Examiners of Nursing Facility Administrators; to provide that the board is authorized to operate and maintain the Certified Nursing Aide Registry through an interagency agreement with the Department of Health and Hospitals; to authorize the board to issue certificates or other paraphernalia and to charge an amount for providing them; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 418—**  
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 37:1041(B), (C)(4)(b), (5), the introductory paragraph of 1048, 1048(4), (5)(a), 1057, 1061, 1063, 1065, and the introductory paragraph of 1068 and to enact R.S. 37:1048(7) through (14), and 1063.1, relative to the professional licensing and regulation of the conduct of optometrists; to provide relative to the purpose of such law; to provide relative to the powers of the Louisiana State Board of Optometry Examiners; to provide relative to license renewals; to provide relative to violations and causes for refusal, suspension, or revocation of certificates; to provide relative to the obtaining of a criminal history record; to authorize a compulsory evaluation; to provide relative to exemptions; to provide relative to criminal penalties; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 482—**  
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 40:2179.2, relative to direct service workers; to provide that the Board of Examiners of Nursing Facility Administrators is authorized to operate and maintain the Direct Service Worker Registry through an interagency agreement with the Department of Health and Hospitals; to authorize the board to issue certificates or certification cards and to charge an amount for providing them; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 568—**  
BY SENATOR DARDENNE

AN ACT

To repeal R.S. 40:2155(B)(9), relative to adult residential care homes; to repeal the requirement that the department promulgate rules to prevent facilities from ordering residents to evacuate under certain circumstances; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JOE MCPHERSON  
Chairman

**REPORT OF COMMITTEE ON  
NATURAL RESOURCES**

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 5, 2006

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

SENATE BILL NO. 12—  
BY SENATOR ROMERO

AN ACT

To authorize and empower the state to sell the state's undivided interest in a certain parcel of land in St. Martin Parish; to provide terms and conditions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 153—  
BY SENATOR ELLINGTON AND REPRESENTATIVE KENNEY  
AN ACT

To authorize and provide for the transfer of certain state property in Caldwell Parish from the state of Louisiana, through the Military Department, to the Caldwell Parish Police Jury; to provide for the property description; to provide for reservation of mineral rights; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 364—  
BY SENATOR ROMERO  
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in St. Martin Parish.

Reported with amendments.

SENATE BILL NO. 366—  
BY SENATOR ROMERO  
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in St. Martin Parish.

Reported with amendments.

SENATE BILL NO. 548—  
BY SENATOR ELLINGTON  
AN ACT

To authorize and provide for the transfer of certain state property in Calcasieu Parish to the Sabine River Authority; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
MAX T. MALONE  
Chairman

REPORT OF COMMITTEE ON  
INSURANCE

Senator Cain, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 5, 2006

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

SENATE BILL NO. 249—  
BY SENATOR CAIN  
AN ACT

To amend and reenact R.S. 22:1193(D) and (E)(2), relative to continuing education requirements for insurance brokers, solicitors or agents; to require certain insurance persons to receive training in flood insurance; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 299—  
BY SENATOR DUPLESSIS  
AN ACT

To amend and reenact R.S. 22:1068(C)(a) and (g), relative to the reduction of premium taxes paid by insurers who make qualified Louisiana investments; to provide that funds may be deposited in a savings bank or trust company; to remove the requirement that insurers deposit funds in certain financial institutions domiciled in Louisiana in order to qualify for the reduction in premium tax; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 513—  
BY SENATOR BARHAM  
AN ACT

To enact R.S. 42:808(A)(11) and 851(Q), relative to state group insurance; to provide for certain insurance coverage through the office of group benefits for certain state employees and officials after the conclusion of their state service; to provide relative to the eligibility of such persons to participate in programs sponsored by the office of group benefits; to provide for limitations; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JAMES DAVID CAIN  
Chairman

Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 1—  
BY SENATORS MCPHERSON, ADLEY, AMEDEE, BARHAM, CAIN, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, HINES, HOLLIS, LENTINI, MOUNT, MURRAY, NEVERS, SCHEDLER AND SMITH AND REPRESENTATIVES ALARIO, ALEXANDER, BALDONE, BAUDON, BOWLER, BRUNEAU, BURNS, CAZAYOUX, CROWE, CURTIS, DAMICO, DARTEZ, DOERGE, DOWNS, DURAND, FANNIN, FARRAR, FRITH, GREENE, E. GUILLORY, HILL, JEFFERSON, JOHNS, KLECKLEY, LAFONTA, LANCASTER, MCDONALD, MCVEA, MONTGOMERY, SCHNEIDER, T. POWELL, RITCHIE, ROMERO, STRAIN AND WALSWORTH

A JOINT RESOLUTION

Proposing to amend Article I, Section 4(B) of the Constitution of Louisiana, relative to the expropriation of property; to prohibit the expropriation of property for use by or transfer to any private person or entity under certain circumstances; to provide for the definition of "public purposes"; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1 by Senator McPherson

AMENDMENT NO. 1  
On page 1, line 2, between "(4)(B)" and "of" insert "and Article VI, Section 21(B)"

April 5, 2006

AMENDMENT NO. 2

On page 1, line 5, between "purposes";" and "and" inset "to provide concerning the sale of expropriated property;"

AMENDMENT NO. 3

On page 1, line 10, between "Article I" and "of" insert "and Section 21(B) of Article VI"

AMENDMENT NO. 4

On page 1, line 15, change "nor shall such property" to "Property shall not"

AMENDMENT NO. 5

On page 1, delete line 16 and insert the following:
"by the state or its political subdivisions for predominant use by any private person or entity or, unless the property to be transferred is first offered to the owner or his successor from whom the property was taken or damaged for the current appraised value as provided by law, for transfer of ownership to any private"

AMENDMENT NO. 6

On page 1, line 17, change "by" to "pursuant to Article VI, Section 21 of"

AMENDMENT NO. 7

On page 1, at the end of line 17, delete "Property" and after line 17 insert "(2) Property"

AMENDMENT NO. 8

On page 2, delete lines 5 through 7 and insert the following:
"(3) As used in this Paragraph and in Article VI, Section 23 of this constitution, "public purpose" shall be limited to (a) a general public right to a definite use of the property, (b) the use of the property for utility, railroad, port commission, port, harbor, and terminal district, or other common carrier, or (c) the removal of a threat to public health or safety caused by the"

AMENDMENT NO. 9

On page 2, line 9, between "result" and "in" insert "solely"

AMENDMENT NO. 10

On page 2, line 10, between "other" and "benefit" insert "incidental"

AMENDMENT NO. 11

On page 2, line 12, change "(3)" to "(4)"

AMENDMENT NO. 12

On page 2, between lines 17 and 18, insert the following:
"ARTICLE VI. LOCAL GOVERNMENT
\* \* \*

§21. Assistance to Local Industry
Section 21.
\* \* \*

(B) Property Expropriated; Sale; Sale to Aliens Prohibited. (1) No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to a private person or entity, unless the property to be transferred is first offered to the owner or his successor from whom the property was expropriated for the current appraised value as provided by law.

(2) No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.
\* \* \*

AMENDMENT NO. 13

On page 2, line 26, after "circumstances" change the "," to a ";" and before "and" insert "to provide concerning the sale of expropriated property,"

AMENDMENT NO. 14

On page 2, line 27, after "Section 4(B)" and before the last ")" insert "and Article VI, Section 21(B)"

On motion of Senator Kostelka, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 7—

BY SENATOR NEVERS

AN ACT

To amend and reenact Part XIV-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:557.21 and 557.22, relative to agricultural and seafood products; to require state agencies to assist the Department of Economic Development in the development, registration, and licensing of any trademark or label for use in promoting Louisiana agricultural and seafood products; to authorize the Department of Economic Development to sell licenses for such trademarks or labels; to create the Agricultural and Seafood Products Support Fund; to provide for the use of monies in the fund; to require the promulgation of rules and regulations; and to provide for related matters.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development. On motion of Senator Smith, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 35—

BY SENATOR LENTINI

AN ACT

To amend and reenact Code of Civil Procedure Art. 3061, relative to successions; to provide relative to judgments of possession; to provide relative to the requirement for an inheritance tax return in such instances; to limit such requirement to certain circumstances; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Kostelka, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 58—

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2286.1(A) and (B), relative to environmental quality; to provide relative to the voluntary investigation and remediation of immovable property; to provide for a work plan; to provide for submittal and review of such plan; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 58 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 11, after "plan for" and before "voluntary" delete "the"

AMENDMENT NO. 2

On page 1, line 14, after "The" and before "remedial" insert "voluntary"

AMENDMENT NO. 3

On page 2, between lines 5 and 6, insert the following:
"(3) The secretary may waive the requirements for a separate remedial investigation work plan if the applicant incorporates a satisfactory investigative report with the voluntary remedial action plan submitted pursuant to department regulations."

**AMENDMENT NO. 4**

On page 2, line 7, after "**department,**" and before "**an applicant**" insert "**unless waived by the secretary pursuant to Paragraph (3) of Subsection A of this Section,**"

**AMENDMENT NO. 5**

On page 2, line 8, after "**The**" and before "**remedial**" insert "**voluntary**"

On motion of Senator Fontenot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 70—**

BY SENATORS NEVERS AND MOUNT  
AN ACT

To amend and reenact the introductory paragraph of R.S. 15:574.4(A)(2)(a), and R.S. 40:967(B)(1), (4) and (5) and 981.2(C), relative to certain controlled dangerous substances; to increase the penalty for the manufacture, possession or distribution of methadone; to authorize offenders to participate in the intensive incarceration program; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 70 by Senator Nevers

**AMENDMENT NO. 1**

On page 4, line 2, immediately after "thirty years" change the period "." to a comma "," and add the following:

**"at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence."**

On motion of Senator Jackson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 93—**

BY SENATORS MCPHERSON, N. GAUTREAUX, MICHOT AND MOUNT  
AN ACT

To amend and reenact R.S. 14:329.6(A)(6) and R.S. 29:724(D)(6), 727(F)(8), 737(B)(7), and 766(D)(8), relative to seizure of firearms; to prohibit the seizure of certain firearms during a proclaimed state of emergency; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Jackson, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 96—**

BY SENATOR MICHOT  
AN ACT

To enact Chapter 19-D of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1751 through 1754, relative to computer related activities; to create the Anti-Phishing Act; to prohibit the use of the Internet or other electronic means to solicit, request, or induce another person to provide identifying information in certain circumstances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported by substitute by the Committee on Judiciary C. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO.— (Substitute of Senate Bill 96 by Senator Michot)**

BY SENATOR MICHOT  
AN ACT

To enact Chapter 13-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1441 through 1445, relative to Internet fraud; to prohibit use of the Internet to obtain

identifying information of another person for a fraudulent purpose; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 13-B of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1441 through 1445, is hereby enacted to read as follows:

**CHAPTER 13-B. INTERNET FRAUD****§1441. Short title; definitions**

**A. This Chapter may be cited as the "Louisiana Anti-Phishing Act."**

**B. As used in this Chapter, the following terms shall have the meanings ascribed in this Section:**

**(1) "Electronic mail" means a message, file, or other information that is transmitted through a local, regional, or global computer network, regardless of whether the message, file, or other information is viewed, stored for retrieval at a later time, printed, or filtered by a computer program that is designed or intended to filter or screen those items.**

**(2) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.**

**(3) "Identifying information" means information that alone or in conjunction with other information identifies an individual, including an individual's:**

**(a) Name, social security number, date of birth, and government-issued identification number.**

**(b) Unique biometric data, including the individual's fingerprint, voice print, and retina or iris image.**

**(c) Unique electronic identification number, address, and routing code, and financial institution account number.**

**(d) Telecommunication identifying information or access device.**

**(4) "Internet domain name" refers to a globally unique, hierarchical reference to an Internet host or service, assigned through a centralized Internet-naming authority and composed of a series of character strings separated by periods with the right-most string specifying the top of the hierarchy.**

**(5) "Web page" means a location that has a single uniform resource locator (URL) with respect to the World Wide Web or another location that can be accessed on the Internet.**

**§1442. Creation of Web page or domain name for fraudulent purposes**

**A person may not, with the intent to engage in conduct involving the fraudulent use or possession of another person's identifying information:**

**(1) Create a Web page or Internet domain name that is represented as a legitimate online business without the authorization of the registered owner of the business.**

**(2) Use that Web page or a link to the Web page, that domain name, or another site on the Internet to induce, request, or solicit another person to provide identifying information for a purpose that the other person believes is legitimate.**

**§1443. Electronic mail fraud**

**A person may not, with the intent to engage in conduct involving the fraudulent use or possession of identifying information, send or cause to be sent to an electronic mail address held by a resident of this state an electronic mail message that:**

**(1) Is falsely represented as being sent by a legitimate online business;**

**(2) Refers or links the recipient of the message to a Web page that is represented as being associated with the legitimate online business; and**

**(3) Directly or indirectly induces, requests, or solicits the recipient of the electronic mail message to provide identifying information for a purpose that the recipient believes is legitimate.**

**§1444. Civil relief**

**A. The following persons may bring a civil action against a person who violates this Chapter:**

**(1) A person engaged in the business of providing Internet access service to the public who is adversely affected by the violation.**

April 5, 2006

(2) An owner of a Web page or trademark who is adversely affected by the violation.

(3) The attorney general.

B. A person bringing an action under this Section may either:

(1) Seek injunctive relief to restrain the violator from continuing the violation.

(2) Recover damages in an amount equal to the greater of:

(a) Actual damages arising from the violation.

(b) One hundred thousand dollars for each violation of the same nature or both.

(3) Seek both injunctive relief and recover damages as provided by this Subsection.

C. The court may increase an award of actual damages in an action brought under this Section to an amount not to exceed three times the actual damages sustained if the court finds that the violations have occurred with a frequency as to constitute a pattern or practice.

D. A plaintiff who prevails in an action filed under this Section is entitled to recover reasonable attorney fees and court costs.

E. For purposes of this Section, violations are of the same nature if the violations consist of the same course of conduct or action, regardless of the number of times the conduct or act occurred.

§1445. Applicability of Chapter

This Chapter does not apply to a telecommunications provider's or Internet service provider's good faith transmission or routing of, or intermediate temporary storing or caching of, identifying information.

Section 2. R.S. 51:1443, as enacted by this Act, applies only to an electronic mail message that is sent on or after September 1, 2006.

Section 3. The provisions of this Act shall become effective on September 1, 2006.

On motion of Senator Jackson, the committee substitute bill was adopted and becomes Senate Bill No. 641 by Senator Michot, substitute for Senate Bill No. 96 by Senator Michot.

**SENATE BILL NO. 641— (Substitute of Senate Bill 96 by Senator Michot)**

BY SENATOR MICHOT

AN ACT

To enact Chapter 13-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1441 through 1445, relative to Internet fraud; to prohibit use of the Internet to obtain identifying information of another person for a fraudulent purpose; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

**SENATE BILL NO. 123—**

BY SENATOR LENTINI AND REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact R.S. 9:315(C)(3)(a), relative to child support; to provide for the definition of gross income; to include the basic allowance for housing for military personnel as gross income; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Kostelka, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 126—**

BY SENATOR JONES

AN ACT

To enact R.S. 15:308, relative to penalties for conviction of certain offenses; to provide for retroactive application of certain penalty provisions as applied to defendants who were convicted or who were sentenced prior to June 15, 2001; to provide for period within which to file a motion for amendment, modification, or reconsideration of sentence; to provide for amendment of sentences in accordance with more lenient penalty provisions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 126 by Senator Jones

AMENDMENT NO. 1

On page 1, line 4, delete "to provide for period"

AMENDMENT NO. 2

On page 1, delete lines 5 and 6 and at the beginning of line 7, delete "penalty provisions;"

AMENDMENT NO. 3

On page 2, line 18, after "entitled" delete the remainder of the line and insert the following:

"to apply to the Louisiana Risk Review Panel pursuant to R.S. 15:574.22."

AMENDMENT NO. 4

On page 2, delete lines 19 through 29 in their entirety

AMENDMENT NO. 5

On page 3, delete line 1 in its entirety

On motion of Senator Jackson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 159—**

BY SENATOR ELLINGTON

AN ACT

To amend and reenact Section 7(B)(1) of Act No. 1225 of the 2003 Regular Session of the Legislature, relative to juvenile justice; to add Franklin Parish to the list of parishes that are to be provided with increased availability of alternative programs for adjudicated juveniles and with a community-based system of care for such juveniles residing in those listed parishes; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 180—**

BY SENATOR JONES

AN ACT

To amend and reenact Code of Criminal Procedure Art. 900(A)(5) and to enact R.S. 15:574.9(B)(3), relative to probation and parole; to provide for revocation of probation and parole; to limit incarceration period for technical violations; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 180 by Senator Jones

AMENDMENT NO. 1

On page 2, lines 9 and 28, change "days" to "days, unless waived by the offender"

AMENDMENT NO. 2

On page 2, line 13, after "hearing." insert "A "technical violation" as used in this Item shall not include absconding from the jurisdiction of the court." and on line 15, change "are" to "is"

AMENDMENT NO. 3

On page 3, line 3, after "hearing." insert "A "technical violation" as used in this Item shall not include absconding from the jurisdiction of the court."

On motion of Senator Jackson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 193—**

BY SENATOR LENTINI

## AN ACT

To amend and reenact R.S. 46:236.1.8(D) and (E), relative to child support programs; to authorize certain support enforcement service support personnel to administer oaths; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Kostelka, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 194—**

BY SENATOR LENTINI AND REPRESENTATIVE ANSARDI

## AN ACT

To amend and reenact Children's Code Article 615(E), and to enact Children's Code Article 615(F), relative to the Department of Social Services; to provide for the confidentiality and disposition of reports; to provide for the admission of reports in court proceedings; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Kostelka, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 209—**

BY SENATOR FONTENOT

## AN ACT

To amend and reenact R.S. 30:2054(B)(9) and to enact R.S. 30:2022(D), relative to environmental quality; to authorize the secretary of the Department of Environmental Quality to develop general permits; to provide for limitations on such authority; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 209 by Senator Fontenot

**AMENDMENT NO. 1**

On page 1, line 4, after "develop" delete "general" and insert "regulatory"

**AMENDMENT NO. 2**

On page 1, line 11, after "develop" delete "general" and insert "regulatory"

**AMENDMENT NO. 3**

On page 1, line 12, after "that" delete "issuance by rule" and insert "the regulatory permit"

**AMENDMENT NO. 4**

On page 1, lines 14, after "requirements," delete the remainder of the line and delete line 15 and insert the following:

**"(1) Any such regulatory permits shall include enforceable conditions necessary for the protection of public health and the environment.**

**"(2) A regulatory permit shall not preclude the secretary from exercising all powers and duties as set forth in R. S. 30:2011(D), including but not limited to, the authority to conduct inspections and investigations and enter facilities as provided in R.S. 30:2012, and to sample or monitor, for the purpose of assuring compliance with a regulatory permit or as otherwise authorized by the Louisiana Environmental Quality Act and regulation adopted pursuant thereto.**

**"(3) A regulatory permit shall require any person seeking such permit to submit a written notification and appropriate notification fee to the secretary."**

**AMENDMENT NO. 6**

On page 2, line 4, after "develop" delete "general" and insert "regulatory"

**AMENDMENT NO. 5**

On page 2, line 7, after "A" delete "general" and insert "regulatory"

**AMENDMENT NO. 6**

On page 2, delete lines 10 through 12

**AMENDMENT NO. 7**

On page 2, line 13, change "(iii)" to "(ii)" and after "a" delete "general" and insert "regulatory"

**AMENDMENT NO. 8**

On page 2, line 15, change "(iv)" to "(iii)" and after "A" delete "general" and insert "regulatory"

**AMENDMENT NO. 9**

On page 2, between lines 17 and 18 insert the following:

**"(iv) A regulatory permit shall not preclude the secretary from exercising all powers and duties as set forth in R. S. 30:2011(D), including but not limited to, the authority to conduct inspections and investigations and enter facilities as provided in R.S. 30:2012, and to sample or monitor, for the purpose of assuring compliance with a regulatory permit or as otherwise authorized by the Louisiana Environmental Quality Act, Federal Clean Air Act, or regulations adopted thereunder, any substances or parameters at any location.**

**"(v) A regulatory permit shall require compliance with all applicable provisions of the Louisiana Air Quality Regulations and the Federal Clean Air Act. Violation of the terms or conditions of a regulatory permit constitutes a violation of such regulations or Act.**

**"(vi) A regulatory permit shall, as appropriate, prescribe emission limitations, any necessary control requirements, and associated monitoring, recordkeeping, and reporting provisions.**

**"(vii) A regulatory permit shall require any person seeking such permit to submit a written notification and appropriate notification fee to the secretary."**

On motion of Senator Fontenot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 337—**

BY SENATOR CRAVINS

## AN ACT

To amend and reenact the introductory paragraph of R.S. 27:306(A)(4)(c)(ii) and to enact R.S. 27:308(B)(4) and (5), relative to the impact of force majeure on the operation of video draw poker devices and the license of such operation; to provide for an exception to the restaurant requirements of a qualified truck stop facility in cases where the restaurant cannot be operated because of force majeure; to provide for the turning in of a license as a result of force majeure; to provide for an exemption from certain fees due to force majeure; to provide with respect to restoration of a license surrendered as a result of force majeure; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 337 by Senator Cravins

**AMENDMENT NO. 1**

On page 2, line 18, after "operations" insert "and is in compliance with all applicable physical amenities and permit requirements"

**AMENDMENT NO. 2**

On page 2, line 19, after "ten days" delete the remainder of the line and delete line 20 and insert "of completion of a compliance inspection by the division."

AMENDMENT NO. 3

On page 2., line 21, after "**terminate**" delete the remainder of the line and delete lines 22 through 24 and insert "**the device operation fees, paid pursuant to R.S. 27:311(A)(5), when a licensed video draw poker device is destroyed as the result of force majeure. In such a case, the device operation fees will terminate in the quarter following the quarter in which the device was destroyed.**"

AMENDMENT NO. 4

On page 2, after line 24, insert the following:  
"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 533—**  
BY SENATOR JONES

AN ACT

To enact R.S. 40:966(H), relative to the Uniform Controlled Dangerous Substances Law; to provide with respect to sentencing for certain heroin violations of the Uniform Controlled Dangerous Substances Law; to provide for retroactivity of current penalties; to provide for credit for time served; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 533 by Senator Jones

AMENDMENT NO. 1

On page 1, line 3, delete "with respect to sentencing for" and insert "that persons convicted of"

AMENDMENT NO. 2

On page 1, line 4, after "Law" insert "are entitled to apply to the Louisiana Risk Review Panel"

AMENDMENT NO. 3

On page 1, line 4, delete "to provide for retroactivity of current"

AMENDMENT NO. 4

On page 1, line 5, delete "penalties; to provide for credit for time served;"

AMENDMENT NO. 5

On page 1, line 14, after "heroin" delete the remainder of the line and insert "shall be entitled to apply to the Louisiana Risk Review Panel pursuant to R.S. 15:574.22."

AMENDMENT NO. 6

On page 1, delete lines 15 through 17 in their entirety

AMENDMENT NO. 7

On page 2, delete lines 1 through 4 in their entirety

On motion of Senator Jackson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 558—**  
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 3:4617(C), relative to the prohibition of fraud in the sale of catfish; to provide for changes in the definition of catfish; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Bill No. 558 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 11, after "those" and before "species" insert "**within the family Ariidae, Loricariidae or of the family Ictaluridae and the**"

AMENDMENT NO. 2

On page 1, line 13, after "**Olivaris**", delete "within the family Ictaluridae"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 572—**  
BY SENATOR JONES

AN ACT

To enact Code of Criminal Procedure Article 799.1, relative to the number of peremptory challenges; to provide for use of all challenges available unless otherwise agreed; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Jackson, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 615—**

BY SENATORS FONTENOT, BAJOE, HINES, MOUNT AND NEVERS AND REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, JEFFERSON, RICHMOND, RITCHIE AND SALTER

AN ACT

To enact Chapter 23 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, consisting of R.S. 30:2571 through 2588, relative to environmental quality; to create and provide relative to the Mercury Risk Reduction Act; to authorize the secretary of the Department of Environmental Quality to promulgate rules and regulations to carry out the provisions of this Chapter; to provide for definitions; to provide for manufacturer notifications; to provide relative to public disclosure of confidential business information; to provide relative to restrictions on the sale of certain mercury added products; to provide for exemptions and phase outs; to provide relative to labeling of mercury added products; to provide relative to public notification; to provide relative to the collection of mercury added products; to provide relative to disclosure for mercury containing formulated products; to provide relative to the use of elemental mercury; to provide relative to existing inventories of mercury added products; to authorize the Department of Environmental Quality to implement a public education and outreach program; to provide relative to state procurement preferences for low or non-mercury added products; to provide relative to mercury containing devices in water and wastewater systems; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 615 by Senator Fontenot

AMENDMENT NO. 1

On page 3, at the beginning of line 13, insert "**A.**"

AMENDMENT NO. 2

On page 4, between lines 19 and 20, insert:

**"B. The mere presence of mercury as a contaminate does not of itself make a product a mercury-added product."**

AMENDMENT NO. 3

On page 5, between lines 4 and 5 insert:

**"(5) For purposes of complying with this Section, the manufacturer may submit to the Department of Environmental Quality copies of reports sent by the manufacturer to the Interstate Mercury Education and Reduction Clearinghouse (IMERC). At a minimum, copies of the reports shall contain the information listed in Subsection A(1) through (5) of this Section. Any changes in the information contained in these reports shall be reported to the Department of Environmental Quality when those changes are reported to IMERC."**

AMENDMENT NO. 4

On page 11, line 29, after "product" insert "containing more than ten milligrams of mercury"

AMENDMENT NO. 5

On page 12, line 7, after "component" insert a period "." and delete the remainder of the line

AMENDMENT NO. 6

On page 12, delete line 8 and insert "The"

AMENDMENT NO. 7

On page 14, at the end of line 19, after "2583" and before the period "." insert "if there are no reasonable non-mercury alternatives"

AMENDMENT NO. 8

On page 14, line 24, after "2583" and before the period "." insert "if there are no reasonable non-mercury alternatives"

On motion of Senator Fontenot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**Rules Suspended**

Senator Mount asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 333 from the Committee on Revenue and Fiscal Affairs.

**SENATE BILL NO. 333—**

BY SENATOR MOUNT

AN ACT

To enact R.S. 47:2101.2, relative to the payment of property taxes; to provide for the establishment of a method for the prepayment of estimated ad valorem tax through installments; and to provide for related matters.

On motion of Senator Mount, the bill was read by title and withdrawn from the files of the Senate.

**Rules Suspended**

Senator Hines asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 312 from the Committee on Health and Welfare.

**SENATE BILL NO. 312—**

BY SENATOR HINES

AN ACT

To enact Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.251 through 40:1300.257, relative to health care; to enact the Rural Pharmacy Preservation Act; to provide for legislative findings and purpose; to provide definitions; to provide for certain reimbursements in the state Medicaid plan and the State Employee Benefit Plan; to provide for promulgation of such

reimbursement provisions; to prohibit exclusion of pharmacies in a rural area from certain health care organizations; to provide for certain additional protection for pharmacies in a rural area; to provide for maintenance and access to rural pharmacies during the declaration of emergency; and to provide for related matters.

On motion of Senator Hines, the bill was read by title and withdrawn from the files of the Senate.

**Motion to Recommit**

Senator Shepherd asked for and obtained a suspension of the rules and recommitted Senate Bill No. 606 from the Committee on Transportation, Highways and Public Works to the Committee on Local and Municipal Affairs.

**Rules Suspended**

Senator McPherson asked for and obtained a suspension of the rules for the purpose of recalling House Concurrent Resolution No. 57 from the Committee on Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 57—**

BY REPRESENTATIVE FARRAR

A CONCURRENT RESOLUTION

To urge and request the United States Forest Service to continue to allow the training of hunting dogs in the Kisatchie National Forest when hunting seasons are closed between March first and September first each year.

The resolution was read by title. Senator McPherson moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Hollis	Romero
Cain	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Dupre	McPherson	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Heitmeier	Shepherd
Chaisson	Lentini	
Total - 5		

The Chair declared the Senate had concurred in the House Concurrent Resolution, and ordered it returned to the House.

**Reconsideration**

On motion of Senator Jones, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, April 4, 2006, was reconsidered.

April 5, 2006

SENATE BILL NO. 83—  
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 18:1511.3(D), relative to the Louisiana Board of Ethics; to require the supervisory committee to retain campaign finance reports for three years from the date of filing; and to provide for related matters.

The bill was read by title. Senator Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Hollis	Romero
Cain	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Dupre	McPherson	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Heitmeier	Schedler
Chaisson	Lentini	
Total - 5		

The Chair declared the bill was passed. The title was read and adopted. Senator Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Hines asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Resolutions  
to be Adopted, Subject to Call

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Hines asked that Senate Resolution No. 10 be called from the Calendar at this time.

SENATE RESOLUTION NO. 10—

BY SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAU, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO  
A RESOLUTION

To welcome the delegation of honorable African chiefs from the sovereign Republic of Cameroon upon this historic visit to Louisiana and the United States of America and to commend the humanitarian efforts and good will extended to the people of Louisiana during the crisis of Hurricane Katrina.

On motion of Senator Hines the resolution was read by title and adopted.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 18—  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1), 197, 401(B), 402(B), the introductory paragraph of (C), (E) and (G), 431(A)(1)(b), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, the introductory paragraph of 467, 467(2), 468(A), 491(A) and (C), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1311(D)(5)(a), 1314(B)(1) and (2) and (C), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.24, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of unaffiliated voters in party primaries; to provide for election dates; and to provide for related matters.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 18 by Senator Fields

AMENDMENT NO. 1

On page 6, line 17, between "following" and the colon ":" insert "days"

AMENDMENT NO. 2

On page 8, line 20, between "primary" and "and" insert "**or first party primary**"

AMENDMENT NO. 3

On page 23, line 8, between "**candidates**" and "**obtained**" insert "**who**" and on line 9 after "**unopposed**" and before the comma "," insert "**in the second primary**"

On motion of Senator Fields, the amendments were adopted.

The bill was read by title. Senator Fields moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Bajoie	Fields	Murray
Boasso	Gautreaux B	Nevers

Broome	Hollis	Quinn
Cain	Jackson	Romero
Cravins	Jones	Schedler
Dardenne	Malone	Smith
Duplessis	McPherson	Theunissen
Total - 24		

NAYS

Adley	Ellington	Mount
Amedee	Fontenot	Shepherd
Barham	Heitmeier	Ullo
Cheek	Kostelka	
Total - 11		

ABSENT

Chaisson	Lentini
Gautreaux N	Marionneaux
Total - 4	

The Chair declared the bill was passed. The title was read and adopted. Senator Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Special Order of the Day**

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

**SENATE BILL NO. 150—**  
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1), 197, 401(B), 402(B), the introductory paragraph of (C), (E) and (G), 431(A)(1)(b), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, the introductory paragraph of 467, 467(2), 468(A), 491(A) and (C), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1311(D)(5)(a), 1314(B)(1) and (2) and (C), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.24, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of unaffiliated voters in party primaries; to provide for election dates; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Jones to Engrossed Senate Bill No. 150 by Senator Jones

AMENDMENT NO. 1

On page 6, line 17, between "following" and the colon ":" insert "days"

AMENDMENT NO. 2

On page 8, line 20, between "primary" and "and" insert "or first party primary"

AMENDMENT NO. 3

On page 23, line 8, between "candidates" and "obtained" insert "who" and on line 9 after "unopposed" and the comma "," insert "in the second primary"

On motion of Senator Jones, the amendments were adopted.

The bill was read by title. Senator Jones moved the final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Bajoie	Dupre	Malone
Broome	Fields	McPherson
Cain	Gautreaux B	Murray
Cravins	Hollis	Quinn
Dardenne	Jackson	Theunissen
Total - 18		

NAYS

Adley	Fontenot	Romero
Amedee	Heitmeier	Schedler
Barham	Kostelka	Shepherd
Boasso	Michot	Smith
Cheek	Mount	Ullo
Ellington	Nevers	
Total - 17		

ABSENT

Chaisson	Lentini
Gautreaux N	Marionneaux
Total - 4	

The Chair declared the amended bill failed to pass.

**Notice of Reconsideration**

Senator Jones, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

**Special Order of the Day**

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 3, was taken up and acted upon as follows:

**SENATE BILL NO. 291—**  
BY SENATORS FIELDS, BAJOE AND JONES  
AN ACT

To enact R.S. 18:1308.3, relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide for certain displaced persons who have registered to vote by mail by a certain date to vote absentee by mail; to provide for a displaced voter to receive an absentee ballot without request; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Fields sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 291 by Senator Fields

AMENDMENT NO. 1

On page 1, lines 2 and 8, change "18:1308.3" to "18:1308.4"

April 5, 2006

AMENDMENT NO. 2

On page 1, line 9, change "18:1308.3" to "18:1308.4"

On motion of Senator Fields, the amendments were adopted.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Engrossed Senate Bill No. 291 by Senator Fields

AMENDMENT NO. 1

On page 2, between lines 17 and 18, insert the following:

"D. The provisions of this Section may not be implemented until on and after June 1, 2006."

AMENDMENT NO. 2

On page 2, delete line 18 and insert the following:

"Section. 2. Notwithstanding any provision of law, the secretary of state is authorized to and shall provide for absentee by mail voting for displaced voters at any election prior to June 1, 2006 if, in the discretion of the secretary after a feasibility review of all circumstances, it is possible to do so.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Bajoie, the amendments were adopted.

The bill was read by title. Senator Fields moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Bajoie, Broome, Duplessis, Fields, Gautreaux B, Jackson, Jones, McPherson, Murray, Nevers, Shepherd, Ullo. Total - 14

NAYS

Adley, Amedee, Barham, Boasso, Cheek, Dardenne, Dupre, Ellington, Fontenot, Heitmeier, Hollis, Kostelka, Malone, Michot, Mount, Quinn, Romero, Schedler, Smith, Theunissen. Total - 20

ABSENT

Cain, Chaisson, Total - 5, Gautreaux N, Lentini, Marionneaux

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Fields, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next

succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 10— BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To urge and request the Department of Economic Development and the Department of Agriculture and Forestry to promote the use of alternative fuels and provide incentives for companies and consumers who use alternative fuels.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

The resolution was read by title. Senator Nevers moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Heitmeier, Hollis, Jackson, Jones, Kostelka, Malone, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Smith, Theunissen, Ullo. Total - 33

NAYS

Total - 0

ABSENT

Adley, Chaisson, Total - 6, Gautreaux N, Lentini, Marionneaux, Shepherd

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

SENATE BILL NO. 32—

BY SENATOR THEUNISSEN

AN ACT

To create the Parishwide School District of the Parish of Cameron, State of Louisiana, and provide for its powers and duties; to provide such district with the power to levy for the year 2006 an ad valorem property tax not to exceed ten mills only for the purpose of giving additional support to the school system in the parish; to provide for the ratification of certain acts of a similar district; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Theunissen sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Theunissen to Engrossed Senate Bill No. 32 by Senator Theunissen

**AMENDMENT NO. 1**

On page 1, between lines 6 and 7, insert:

"Notice of intention to introduce this Act has been published."

On motion of Senator Theunissen, the amendments were adopted.

The bill was read by title. Senator Theunissen moved the final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Michot
Adley	Ellington	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux B	Quinn
Boasso	Heitmeier	Romero
Broome	Hollis	Schedler
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	McPherson	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Cain	Lentini	Shepherd
Chaisson	Malone	
Gautreaux N	Marionneaux	
Total - 7		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Ellington in the Chair**

**SENATE BILL NO. 89—**  
BY SENATOR DUPRE

**AN ACT**

To amend and reenact R.S. 38:291(T)(2), relative to the North Lafourche Conservation, Levee and Drainage District; to provide for appointment of members to its board of commissioners; to provide for an effective date for such appointments; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Mount
Adley	Fields	Murray
Amedee	Fontenot	Nevers

Bajoie	Gautreaux B	Quinn
Barham	Heitmeier	Romero
Boasso	Hollis	Schedler
Broome	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Malone	Ullo
Duplessis	McPherson	
Dupre	Michot	

Total - 34

**NAYS**

Total - 0

**ABSENT**

Cain	Gautreaux N	Marionneaux
Chaisson	Lentini	
Total - 5		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupred moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Mr. President in the Chair**

**SENATE BILL NO. 92—**  
BY SENATOR ADLEY

**AN ACT**

To amend and reenact R.S. 34:2303, relative to the Red River Waterway District; to provide for membership to the Red River Waterway Commission; to require one member-at-large on the commission to reside in either Bossier or Caddo parish; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 122—**  
BY SENATOR MURRAY

**AN ACT**

To enact R.S. 33:2588, relative to municipal employees laid off due to the hurricanes of 2005; to provide a preference for displaced municipal employees; to provide for a termination date after which the preference shall no longer apply; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Murray moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Nevers
Amedee	Gautreaux B	Quinn
Barham	Heitmeier	Romero
Broome	Hollis	Schedler
Cain	Jackson	Shepherd
Cheek	Jones	Theunissen
Duplessis	McPherson	Ullo
Dupre	Mount	
Fields	Murray	
Total - 25		

**NAYS**

Boasso	Kostelka	Michot
Ellington	Malone	Smith
Total - 6		

**ABSENT**

Adley	Cravins	Lentini
Bajoie	Dardenne	Marionneaux

April 5, 2006

Chaisson Gautreaux N
Total - 8

The Chair declared the bill was passed. The title was read and adopted. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Romero in the Chair

SENATE BILL NO. 181— BY SENATOR JONES

AN ACT

To enact Subpart G of Part II of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:2892.1 through 2892.9, relative to property adjudicated to a municipality; to provide for the authorization of the city of Monroe to adjudicate property; to provide for notice to the owner; to provide for the applicability to redemptive periods; to provide for a deposit of monies sufficient to cover the expenses of the sale, advertisement, taxes due and other costs associated with the sale; to provide for the sale or transfer of adjudicated property; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Engrossed Senate Bill No. 181 by Senator Jones

AMENDMENT NO. 1

On page 4, line 7, after "judge" delete "shall" and insert "may"

AMENDMENT NO. 2

On page 4, line 8, after "ownership" delete the period "." and insert "if he is satisfied that all notices and due process of law have been afforded the former owner."

On motion of Senator Jones, the amendments were adopted.

The bill was read by title. Senator Jones moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fields Mount
Adley Fontenot Murray
Amedee Gautreaux B Nevers
Barham Heitmeier Quinn
Boasso Hollis Romero
Broome Jackson Schedler
Cain Jones Shepherd
Cheek Kostelka Smith
Dardenne Malone Theunissen
Dupre McPherson Ullo
Ellington Michot
Total - 32

NAYS

Total - 0

ABSENT

Bajoie Duplessis Marionneaux
Chaisson Gautreaux N
Cravins Lentini
Total - 7

The Chair declared the amended bill was passed. The title was read and adopted. Senator Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 186—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 17:1808(J)(1), relative to registration and licensure of certain postsecondary institutions; to provide for an exemption from the requirements for such registration and licensure; and to provide for related matters.

The bill was read by title. Senator Hines moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fields Mount
Adley Fontenot Murray
Amedee Gautreaux B Nevers
Barham Heitmeier Quinn
Boasso Hollis Romero
Broome Jackson Schedler
Cain Jones Shepherd
Cheek Kostelka Smith
Dardenne Malone Theunissen
Dupre McPherson Ullo
Ellington Michot
Total - 32

NAYS

Total - 0

ABSENT

Bajoie Duplessis Marionneaux
Chaisson Gautreaux N
Cravins Lentini
Total - 7

The Chair declared the bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

SENATE BILL NO. 214—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2500(C)(1), relative to municipal courts; to provide for penalties for the violation of a municipal ordinance in New Orleans; and to provide for related matters.

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 214 by Senator Murray

AMENDMENT NO. 1

On page 1, line 11, change " , if a state statute authorizes a greater penalty" to "authorized by state statute"

On motion of Senator Murray, the amendments were adopted.

The bill was read by title. Senator Murray moved the final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Mount
Adley	Fontenot	Murray
Amedee	Gautreaux B	Nevers
Barham	Heitmeier	Quinn
Boasso	Hollis	Romero
Broome	Jackson	Schedler
Cain	Jones	Shepherd
Cheek	Kostelka	Smith
Dardenne	Malone	Theunissen
Dupre	McPherson	Ullo
Ellington	Michot	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Bajoie	Duplessis	Marionneaux
Chaisson	Gautreaux N	
Cravins	Lentini	
Total - 7		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 389—**  
BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 48:252(B)(4), relative to bid proposal documents on projects for the Department of Transportation and Development; to provide relative to the fee for such documents; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Murray
Adley	Fontenot	Nevers
Amedee	Gautreaux B	Quinn
Bajoie	Heitmeier	Romero
Barham	Hollis	Schedler
Boasso	Jackson	Shepherd
Broome	Jones	Smith
Cain	Kostelka	Theunissen
Cheek	Malone	Ullo
Dardenne	McPherson	
Dupre	Michot	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Chaisson	Fields	Marionneaux
Cravins	Gautreaux N	Mount
Duplessis	Lentini	
Total - 8		

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 390—**  
BY SENATOR ELLINGTON

**AN ACT**

To repeal R.S. 48:250.1, relative to the Department of Transportation and Development's structured training program; to repeal the requirement that construction and maintenance personnel of the department participate in the structured training program.

The bill was read by title. Senator Ellington moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Mount
Adley	Fontenot	Murray
Amedee	Gautreaux B	Nevers
Bajoie	Heitmeier	Quinn
Barham	Hollis	Romero
Boasso	Jackson	Schedler
Broome	Jones	Shepherd
Cain	Kostelka	Smith
Cheek	Malone	Theunissen
Dardenne	McPherson	Ullo
Dupre	Michot	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Chaisson	Fields	Marionneaux
Cravins	Gautreaux N	
Duplessis	Lentini	
Total - 7		

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 391—**  
BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 14:59(A)(4), R.S. 32:169(A) and (B) and 376, R.S. 36:501(C)(1) and 508(A), (B), (C), and (G), R.S. 38:90.4(B)(1) and 1583(B), R.S. 48:1(2) and (19), 92, 211, 223(C), 259, 260, 269, 272, 273, 274, 274.2, 342, 346.1, 381(C)(2)(b)(i), 441, 758(A), 1259, 1271(C), and 1273, and R.S. 51:1259(6), relative to the Department of Transportation and Development; to change the name of the office of highways to the office of engineering; to provide relative to responsibilities of the department; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Bajoie sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 391 by Senator Ellington

**AMENDMENT NO. 1**

On page 3, line 14, following "highways" insert ", "

April 5, 2006

AMENDMENT NO. 2

On page 8, line 21, change "48:442(2)" to "48:442(3)"

On motion of Senator Bajoie, the amendments were adopted.

The bill was read by title. Senator Ellington moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Ellington, Mount, Adley, Fontenot, Murray, Amedee, Gautreaux B, Nevers, Bajoie, Heitmeier, Quinn, Barham, Hollis, Romero, Boasso, Jackson, Schedler, Broome, Jones, Shepherd, Cain, Kostelka, Smith, Cheek, Malone, Theunissen, Dardenne, McPherson, Ullo, Dupre, Michot. Total - 32

NAYS

Total - 0

ABSENT

Table with 3 columns: Chaisson, Fields, Marionneaux, Cravins, Gautreaux N, Duplessis, Lentini. Total - 7

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 394— BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 48:443(A), relative to expropriation of property by the Department of Transportation and Development; to provide relative to the number of persons making real estate estimates for the department when expropriating property; to decrease the number of such persons; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Gautreaux B, Murray, Amedee, Heitmeier, Nevers, Bajoie, Hollis, Quinn, Barham, Jackson, Romero, Boasso, Jones, Schedler, Broome, Shepherd, Cain, Kostelka, Smith, Cheek, McPherson, Dupre, Michot, Theunissen, Ellington, Mount, Ullo, Fontenot. Total - 27

NAYS

Table with 2 columns: Cain, Malone. Total - 2

ABSENT

Table with 3 columns: Adley, Dardenne, Lentini, Broome, Duplessis, Marionneaux, Chaisson, Fields, Cravins, Gautreaux N, Total - 10

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 468— BY SENATOR SCHEDLER

AN ACT

To amend and reenact Section 3(9)(a) and (b) and (19)(c) and (d) and to enact Section 3(19)(e) of Act No. 180 of the 1984 Regular Session of the Legislature, as amended by Act No. 570 of the 1992 Regular Session of the Legislature and Act No. 562 of the 2003 Regular Session of the Legislature, relative to St. Tammany Parish Hospital Service Districts Nos. 1 and 2; to provide relative to the authority of the boards to enter into certain employment contracts; and to provide for related matters.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 468 by Senator Schedler

AMENDMENT NO. 1

On page 2, between lines 2 and 3, insert "\* \* \*

On motion of Senator Bajoie, the amendments were adopted.

The bill was read by title. Senator Schedler moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dupre, Michot, Adley, Ellington, Mount, Amedee, Fontenot, Murray, Bajoie, Gautreaux B, Nevers, Barham, Heitmeier, Quinn, Boasso, Hollis, Romero, Broome, Jackson, Schedler, Cain, Jones, Shepherd, Cheek, Kostelka, Smith, Dardenne, Malone, Theunissen, Duplessis, McPherson, Ullo. Total - 33

NAYS

Total - 0

ABSENT

Table with 3 columns: Chaisson, Fields, Lentini, Cravins, Gautreaux N, Marionneaux. Total - 6

The Chair declared the amended bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 469—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 33:4575, 4575.1(A) and (C) and 4575.3(7) and R.S. 47:322.37(B)(1), relative to recreational facilities; to rename the East St. Tammany Events Center District to the Northshore Harbor Center District; to provide for term limits for members of the board of commissioners; to provide for membership on the board of commissioners; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Mount
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Heitmeier	Quinn
Boasso	Hollis	Romero
Broome	Jackson	Schedler
Cain	Jones	Shepherd
Cheek	Kostelka	Smith
Dardenne	Malone	Theunissen
Duplessis	McPherson	Ullo
Dupre	Michot	
Total - 32		

NAYS

Total - 0

ABSENT

Adley	Fields	Marionneau
Chaisson	Gautreaux N	
Cravins	Lentini	
Total - 7		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Introduction of Senate Bills and Joint Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

**SENATE BILL NO. 642—**  
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 37:3103(A)(3), relative to auctioneers; to redefine the term "auction"; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**Introduction of Resolutions, Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 15—**  
BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Benny S. Franklin upon his death in ground combat actions during Operation Enduring Freedom in Afghanistan.

The resolution was read by title; lies over under the rules.

**SENATE RESOLUTION NO. 16—**  
BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Navy Petty Officer 2<sup>nd</sup> class Kevin Yokum for his service and sacrifice in this country's war on terror.

The resolution was read by title; lies over under the rules.

**SENATE RESOLUTION NO. 17—**  
BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of Navy Chief Petty Officer Jacques J. Fontan upon learning of his death in combat in Operation Enduring Freedom.

The resolution was read by title; lies over under the rules.

**SENATE RESOLUTION NO. 18—**  
BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corporal David S. Stewart upon his death in ground combat action during Operation Iraqi Freedom.

The resolution was read by title; lies over under the rules.

**SENATE CONCURRENT RESOLUTION NO. 23—**  
BY SENATOR CAIN

A CONCURRENT RESOLUTION

To memorialize the United States Senate to take such actions as are necessary to pass the proposed constitutional amendment banning the desecration of the United States flag.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**SENATE AND GOVERNMENTAL AFFAIRS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 5, 2006

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

April 5, 2006

**SENATE CONCURRENT RESOLUTION NO. 14—**  
BY SENATOR JONES

A CONCURRENT RESOLUTION

To direct state agencies to provide to the division of archives, records management, and history of the Department of State all locations where their public records are stored and to direct such division to work in cooperation with the Louisiana Geographical Information Center to develop mapping relative to such locations.

Reported favorably.

**SENATE CONCURRENT RESOLUTION NO. 15—**  
BY SENATOR JONES

A CONCURRENT RESOLUTION

To create a study committee to review and recommend a proposal for development and location of regional records centers outside of the State Archives Building and a records recovery complex to provide for storage and back up storage for Louisiana's clerks of court, registrars of voters, assessors and the secretary of state's office.

Reported with amendments.

**SENATE BILL NO. 86—**  
BY SENATOR JONES

AN ACT

To amend R.S. 18:1309(A), relative to early voting; to provide for an additional day of early voting in an election conducted pursuant to an emergency plan; to require the secretary of state to determine the additional day and assist the registrars of voters in conducting early voting; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 188—**  
BY SENATOR NEVERS

AN ACT

To authorize the secretary of the Department of Public Safety and Corrections to rename the correctional facility located at Angie, Louisiana as the Rayburn Correctional Center; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 210—**  
BY SENATOR JONES

AN ACT

To enact R.S. 42:1111(A)(4), relative to the Code of Governmental Ethics; to provide relative to the prohibition on the payment from nonpublic sources; to permit certain government employees to receive participate in a program established to reduce the burden of student loan debt; to provide relative to such program and such participation; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 263—**  
BY SENATOR HINES AND REPRESENTATIVE SALTER

AN ACT

To amend and reenact the introductory paragraph of R.S. 42:1102(22)(a), relative to the Code of Governmental Ethics; to provide for definitions; to exclude pharmaceutical samples in the definition of a thing of economic value; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 307—**  
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 42:1121(B), relative to Code of Governmental Ethics; to prohibit a former employee from rendering certain services to or for his former employer during

a specified period regardless of the parties to the contract; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 320—**  
BY SENATOR HINES AND REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 49:72(2), relative to executive branch lobbying; to revise the definition of executive branch action; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 433—**  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 18:115(F)(1), relative to registration of voters; to authorize voters who register by mail to vote absentee by mail without first voting in person under certain condition; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 506—**  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 39:1644(B) and to enact R.S. 39:1644(E), relative to the amendment of leases for office or warehouse space; to increase the size of the space under lease eligible for amendment; to authorize modifications to monthly lease payments; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 563—**  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 40:1724, relative to the Louisiana Building Code for State Owned Buildings; to provide relative to the authority of the office of facility planning and control to approve plans and specifications for state-owned buildings; to clarify that local permitting and review laws do not apply to state buildings; to allow rulemaking; to authorize the office of facility planning and control to impose fees on permitting and plan review; to provide an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 637—**  
BY SENATOR JONES

AN ACT

To enact R.S. 18:403(C), relative to election records and papers; to require certain election officers to provide certain information; to provide relative to the disclosure of such information; to provide for definitions; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

April 5, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 47—**

BY REPRESENTATIVE DANIEL  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to continue funding and operation of the United States Department of Agriculture's Agricultural Research Service located in Baton Rouge, Louisiana.

**HOUSE CONCURRENT RESOLUTION NO. 49—**

BY REPRESENTATIVE DOVE AND SENATORS DUPRE AND B. GAUTREAU  
A CONCURRENT RESOLUTION

To urge and request the Coastal Protection and Restoration Authority to increase the focus on barrier islands in the overall plan for coastal restoration and hurricane protection.

**HOUSE CONCURRENT RESOLUTION NO. 59—**

BY REPRESENTATIVE MORRELL  
A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to negotiate with displaced citizens on housing options that include replacement and repair costs.

**HOUSE CONCURRENT RESOLUTION NO. 61—**

BY REPRESENTATIVE GEYMAN  
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to consider increasing the age at which minors can receive firearm and hunter safety education certification.

**HOUSE CONCURRENT RESOLUTION NO. 62—**

BY REPRESENTATIVE DOVE AND SENATORS DUPRE AND B. GAUTREAU  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to amend the Stafford Act to allow the use of emergency funds under the Federal Emergency Management Agency for stabilization and restoration of barrier islands.

**HOUSE CONCURRENT RESOLUTION NO. 63—**

BY REPRESENTATIVES JOHN SMITH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAU, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATORS B. GAUTREAU AND ULLO  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Chaisson	1 Day	Lentini	1 Day
N. Gautreaux	½ Day	Marionneau	½ Day

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Thursday, April 6, 2006, at 10:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o'clock A.M. on Thursday, April 6, 2006.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk

